

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
KAREN BAKER, JUDGE

DIVISION I

CA07-688

MARIO MEJIA

JANUARY 23, 2008

APPELLANT

v.

CRYSTAL LAKE FOODS and COMPCARE
ADMINISTRATORS

APPEAL FROM ARKANSAS WORKERS'
COMPENSATION COMMISSION
[F408485]

APPELLEES

AFFIRMED

Appellant, Mario Mejia, appeals from a decision by the Workers' Compensation Commission, reversing the ALJ, and finding that appellant failed to prove by a preponderance of the evidence that he sustained a compensable injury to his fifth left toe. Appellant argues on appeal that the Commission's decision was contrary to the facts and evidence in the case and that the opinion of the ALJ should be adopted on the issue of compensability and reversed as to the issue of temporary total disability. We find no error and affirm.

In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion. *Olsten Kimberly Quality Care v. Pettey*,

328 Ark. 381, 944 S.W.2d 524 (1997). The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case *de novo*. *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999). Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Ark. Dep't. of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993).

The only issue in this appeal is whether sufficient evidence supports the Commission's finding that appellant failed to prove by a preponderance of the evidence that he sustained a compensable injury to his fifth left toe. The Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

PITTMAN, C.J., and GLADWIN, J., agree.